

REMARKS

Reconsideration and withdrawal of the rejections of the pending claims are respectfully requested in view of the amendments, remarks and enclosures herewith.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 27-36, 38 and 47 are pending in this application. Claim 39 has been canceled and claim 27 has been amended for clarity without prejudice, without admission, without surrender of subject matter and without any intention of creating any estoppel as to equivalents. Claim 48 has been added. Support may be found in claim 39 and paragraph [0094] of the specification as published.

Claim 27 has been amended to recite a peptide comprising the full length sequence Thr-Asn-Pro-Asn-Arg-Arg-Asn-Arg-Thr-Pro-Gln-Met-Leu-Lys-Arg (SEQ ID NO: 3) or a functional variant thereof which is at least 80% identical to the recited full length sequence and which retains its ability to bind to A β , said A β having SOD activity, and inhibit A β 's SOD and/or copper binding ability. Claim 47 has been amended to recite a peptide having 12, rather than 6, amino acids in length. Support may be found in paragraph [0093] of the specification as published.

No new matter is added.

It is respectfully submitted that the claims, herewith and as originally presented, are patentably distinct over the art, and that those claims are and were in full compliance with the requirements of 35 U.S.C. § 112. The remarks made herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112. Rather, the amendments and remarks herewith are made simply for clarification and to round out the scope of protection

VI. THE 35 U.S.C. §112, FIRST PARAGRAPH, REJECTIONS ARE OVERCOME

Claims 27-36, 38 & 47 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

The Office Action indicated that Applicants did not address the rejection based on the recitation of "which is at least 6 amino acids in length and which is at least 80% identical to the recited sequence", which allegedly broadened the scope contemplated at the time the application was filed.

Although Applicants do not agree with the Office Action, in the interest of expediting prosecution, claim 27 has been amended to recite a the full length peptide (SEQ ID NO: 3) or a

functional variant having at least 80% identity to SEQ ID NO: 3, thereby omitting the recitation of "at least 6 amino acids is length".

Accordingly, reconsideration and withdrawal of the claim rejections is respectfully requested.

Further, the Office Action indicated that there is not proper enablement for the subject matter of claim 38, directed to a nonpeptide peptiomimetic.

In the interest of expediting prosecution, claim 38 has been canceled, thereby obviating this rejection.

REQUEST FOR INTERVIEW

If any issue remains as an impediment to further examination and/or allowance, an interview with the is respectfully requested, prior to issuance of any paper other than a Notice of Allowance; and, the Examiner is respectfully requested to contact the undersigned to arrange a mutually convenient time and manner for such an interview.

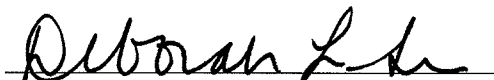
CONCLUSION

In view of the remarks and amendments herewith and those of record, the application is in condition for allowance. Favorable reconsideration of the rejections of the application and prompt issuance of a Notice of Allowance, or an interview at a very early date with a view to placing the application in condition for allowance, are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date.

Respectfully submitted,

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